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10/553,542	10/17/2005	Shinkichi Ikeda	MAT-8765US	1859

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EXAMINER

LAU, YUNGSANG

ART UNIT	PAPER NUMBER
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2617

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01/20/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,542	Applicant(s) IKEDA, SHINKICHI	
	Examiner YUNGSANG LAU	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-9, 11-14, 16, 17, 19-23, 32, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0176095 A1 to Yamada *et al.* ("Yamada") in view of U.S. Patent Application Publication No. 2004/0063402 A1 to Takeda *et al.* ("Takeda").

As to **claim 1**, Yamada discloses an address information setting method comprising the steps of: detecting user input from a user (p.5, [0068]); selecting a home agent to manage a mobile terminal from among routers to which the

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mobile terminal is connected, the selected home agent being chosen from a list of the routers responsive to the detected user input (p.5, [0070]); generating a home address from the prefix distributed by the selected home agent when receiving the judgment by the user to switch to the selected home agent (p.5, [0077]); and carrying out a mobile IP procedure using the selected home agent and the generated home address (p.5, [0077]).

Yamada does not expressly disclose presenting the selected home agent to the user; receiving, from the user, an input which indicates a judgment by the user whether to switch to the selected home agent or not.

Takeda discloses presenting the selected home agent to the user (fig.7); receiving, from the user, an input which indicates a judgment by the user whether to switch to the selected home agent or not (p.6, [0138], [0139], p.10, [0215]).

Yamada and Takeda are analogous art because they are from the same field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select a home agent as taught by Takeda. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Takeda to make the above modification.

As to **claim 2**, Yamada as modified by Takeda discloses an address information setting method according to claim 1, further comprising a step of acquiring router information from a network to which the mobile terminal is

connected, when the user input is detected (Yamada, p.5, [0070]).

As to **claim 3**, Yamada as modified by Takeda discloses an address information setting method according to claim 1, wherein in the selection of the home agent, the home agent is selected from among the routers whose flag indicating that it is a home agent is on, this flag included in acquired information regarding the routers (Yamada, p.2-3, [0039]).

As to **claim 4**, Yamada as modified by Takeda discloses an address information setting method according to claim 3, wherein in the selection of the home agent, from among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (Yamada, p.3, [0042]).

As to **claim 5**, Yamada as modified by Takeda discloses an address information setting method according to claim 3, wherein in the selection of the home agent, the home agent is selected arbitrarily from among the routers whose flag is on (Yamada, p.2-3, [0039]).

As to **claim 6**, Yamada as modified by Takeda discloses an address information setting method according to claim 3, further comprising a step of acquiring, from the user, criteria for selecting the home agent from among the routers whose flag is on, wherein in the selection of the home agent, the home agent is selected according to the criteria (Yamada, p.4, [0067]).

As to **claim 7**, Yamada as modified by Takeda discloses an address

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information setting method according to claim 1, wherein the presenting of the selected home agent to the user occurs when the selection of the home agent is completed (Yamada, p.4, [0048], the on-communication address management table).

As to **claim 8**, Yamada as modified by Takeda discloses an address information setting method according to claim 2, wherein the selection of the home agent is performed using router information acquired during a time period designated by the user (Yamada, p.3, [0044], binding management part).

As to **claim 9**, Yamada discloses a mobile terminal comprising: an input unit through which a user inputs a trigger for setting information regarding a home agent (p.5, [0068]); an information setting unit that selects a home agent to manage the mobile terminal from among routers to which the mobile terminal is connected when the mobile terminal receives the trigger (p.5, [0070]), the selected home agent being chosen from a list of the routers responsive to the user inputting the trigger (p.5, [0077]); and mobile IP processing means that carries out a mobile IP procedure using the information regarding the selected home agent (p.5, [0077]), wherein the information setting unit sets the address of the selected home agent and a home address which is generated from a prefix distributed by the selected home agent as information regarding the selected home agent when receiving the judgment by the user to switch to the selected home agent (p.5, [0068], [0069], [0077]).

Yamada does not expressly disclose a display unit that presents the selected home agent to the user; a user judgment acquiring unit for receiving from the user, an input which indicates a judgment by the user whether to switch to the selected home agent.

Takeda discloses a display unit that presents the selected home agent to the user; a user judgment acquiring unit for receiving from the user (fig.7), an input which indicates a judgment by the user whether to switch to the selected home agent (p.6, [0138], [0139], p.10, [0215]).

Yamada and Takeda are analogous art because they are from the same field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to select a home agent as taught by Takeda. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Takeda to make the above modification.

As to **claim 11**, Yamada as modified by Takeda discloses a mobile terminal according to claim 9, wherein the information setting unit selects the home agent from among routers whose flag, indicating that the home agent is included in router information of router information response messages, is on (Yamada, p.2-3, [0039]).

As to **claim 12**, Yamada as modified by Takeda discloses a mobile terminal according to claim 11, wherein in the selection of the home agent, from

among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (Yamada, p.3, [0042]).

As to **claim 13**, Yamada as modified by Takeda discloses a mobile terminal according to claim 11, wherein the information setting unit selects the home agent arbitrarily from among the routers whose flag is on (Yamada, p.2-3, [0039]).

As to **claim 14**, Yamada as modified by Takeda discloses a mobile terminal according to claim 11, wherein through the input unit the user enters selection criteria for the selection of the home agent to be performed by the information setting unit, and the information setting unit performs the selection of the home agent based on the selection criteria (Yamada, p.4, [0067]).

As to **claim 16**, Yamada as modified by Takeda discloses a mobile terminal according to claim 9, wherein the display unit notifies the user that setting of information regarding the home agent is completed (Yamada, p.4, [0048], the on-communication address management table).

As to **claim 17**, Yamada as modified by Takeda discloses a mobile terminal according to claim 9, wherein the input unit designates a time period in which information regarding the home agent is set, and the information setting unit sets the information only in the designated time period (Yamada, p.3, [0044], binding management part).

As to **claim 19**, Yamada as modified by Takeda discloses an address information setting method according to claim 2, wherein in the selection of the home agent, the home agent is selected from among the routers whose flag, indicating that it is the home agent, is on, the flag being included in acquired information regarding the routers (Yamada, p.2-3, [0039]).

As to **claim 20**, Yamada as modified by Takeda discloses an address information setting method according to claim 19, wherein in the selection of the home agent, from among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (Yamada, p.3, [0042]).

As to **claim 21**, Yamada as modified by Takeda discloses an address information setting method according to claim 19, wherein in the selection of the home agent, the home agent is selected arbitrarily from among the routers whose flag is on (Yamada, p.2-3, [0039]).

As to **claim 22**, Yamada as modified by Takeda discloses an address information setting method according to claim 19, further comprising a step of acquiring, from the user, criteria for selecting the home agent from among the routers whose flag is on, wherein in the selection of the home agent, the home agent is selected according to the criteria (Yamada, p.4, [0067]).

As to **claim 23**, Yamada as modified by Takeda discloses an address information setting method according to claim 2, further comprising a step of

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notifying the user when the selection of the home agent is completed (Yamada, p.4, [0048], the on-communication address management table).

As to **claim 32**, Yamada discloses an address information setting method comprising the steps of: detecting user input from a user (p.5, [0068]); selecting a home agent to manage a mobile terminal from among routers to which the mobile terminal is connected, the selected home agent being chosen from a list of the routers responsive to the detected user input (p.5, [0070]); acquiring a judgment of the user whether to switch to the selected home agent or not (p.5, [0068], [0069]); generating a home address from the prefix distributed by the selected home agent when receiving the judgment of the user to switch to the selected home agent (p.5, [0077]); carrying out a mobile IP procedure using the selected home agent and the generated home address (p.5, [0077]); indicating in the list of routers whether each home agent from among the routers has capability to accommodate a mobile router (p.3, [0042]).

Yamada does not expressly disclose establishing a connection of the mobile router to another home agent that does not have the capability to accommodate the mobile router when the mobile router changes operations from those of a mobile router function to those of a mobile terminal function.

Takeda discloses establishing a connection of the mobile router to another home agent that does not have the capability to accommodate the mobile router when the mobile router changes operations from those of a mobile router function to those of a mobile terminal function (p.5, [0107], 0108)).

Yamada and Takeda are analogous art because they are from the same field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to select a home agent as taught by Takeda. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Takeda to make the above modification.

As to **claim 33**, Yamada as modified by Takeda discloses the address information setting method according to claim 1, further comprising storing acquired information from the selected home agent when receiving the judgment of the user not to switch to the selected home agent (Yamada, p.5, [0068], [0069]).

5. **Claims 10, 15, 18, and 24-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0176095 A1 to Yamada *et al.* ("Yamada") in view of U.S. Patent Application Publication No. 2004/0063402 A1 to Takeda *et al.* ("Takeda"), and further in view of U.S. Patent No. 7,277,416 B1 to Chang *et al.* ("Chang").

As to **claim 10**, Yamada as modified by Takeda discloses a mobile terminal according to claim 9.

Yamada as modified by Takeda does not expressly disclose further comprising: a transmitting unit that transmits a router information request

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message for requesting router information from a network to which the mobile terminal is connected, when the trigger from the input unit is received; and a receiving unit that receives router information response messages that are responses to the router information request message, wherein the information setting unit selects a home agent to manage the mobile terminal from among the routers that have transmitted the router information response messages.

Chang discloses further comprising: a transmitting unit that transmits a router information request message for requesting router information from a network to which the mobile terminal is connected, when the trigger from the input unit is received (column 5, lines 46-54); and a receiving unit that receives router information response messages that are responses to the router information request message, wherein the information setting unit selects a home agent to manage the mobile terminal from among the routers that have transmitted the router information response messages (column 6, line 56 - column 7, line 16).

Yamada as modified by Takeda and Chang are analogous art because they are from the same field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the request and response as taught by Chang. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada as modified by Takeda with Chang to make the above modification.

As to **claim 15**, Yamada as modified by Takeda discloses a mobile terminal according to claim 9.

Yamada as modified by Takeda does not expressly disclose wherein the input unit is a soft key on a screen, a button set in a main body, or a switch set in the main body.

Chang discloses wherein the input unit is a soft key on a screen, a button set in a main body, or a switch set in the main body (column 16, lines 30-38).

Yamada as modified by Takeda and Chang are analogous art because they are from the same field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the handset as taught by Chang. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada as modified by Takeda with Chang to make the above modification.

As to **claim 18**, Yamada as modified by Takeda discloses a mobile terminal according to claim 17.

Yamada as modified by Takeda does not expressly disclose wherein the time period is a period in which a soft key, a button, or a switch used as the input

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unit is in an 'ON' state.

Chang discloses wherein the time period is a period in which a soft key, a button, or a switch used as the input unit is in an 'ON' state (column 16, lines 59-60).

Yamada as modified by Takeda and Chang are analogous art because they are from the same field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the handset as taught by Chang. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada as modified by Takeda with Chang to make the above modification.

As to **claim 24**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 10, wherein the information setting unit selects the home agent from among the routers whose flag, indicating that the home agent is included in the router information of the router information response messages, is on (Yamada, p.2-3, [0039]).

As to **claim 25**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 24, wherein in the selection of the home agent, from among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (Yamada, p.3, [0042]).

As to **claim 26**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 24, wherein the information setting unit selects the home agent arbitrarily from among the routers whose flag is on (Yamada, p.2-3, [0039]).

As to **claim 27**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 24, wherein through the input unit the user enters selection criteria for the selection of the home agent to be performed by the information setting unit, and the information setting unit performs the selection of the home agent based on the selected criteria (Yamada, p.4, [0067]).

As to **claim 28**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 10, wherein the input unit is a soft key on a screen, a button set in a main body, or a switch set in the main body (Chang, column 16, lines 30-38).

As to **claim 29**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 10, wherein the display unit notifies the user that setting of information regarding the home agent is completed (Yamada, p.4, [0048], the on-communication address management table).

As to **claim 30**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 10, wherein the input unit designates a time period in which information regarding the home agent is set, and the information setting unit sets the information only in the designated time period (Yamada, p.3,

[0044], binding management part).

As to **claim 31**, Yamada as modified by Takeda and Chang discloses a mobile terminal according to claim 30, wherein the designated time period is a period in which a soft key, a button, or a switch used as the input unit is in a state 'ON' (Chang, column 16, lines 59-60).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUNGSANG LAU whose telephone number is (571)270-3316. The examiner can normally be reached on Monday - Friday 9:30a.m. -

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6:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617